

CALENDAR ITEM

C23

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PRC 5267.1

S. Kreutzburg

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Randolph K. Yackzan and Lynne U. Yackzan, Trustees of the Yackzan Family Revocable Trust dated October 15, 1997; and Unger Enterprises LP, a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 192-180-008, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and open-sided boathouse with boat hoist.

LEASE TERM:

10 years, beginning September 7, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of rent under this lease and recommends rent be revised from \$1,126 per year to \$311 per year, effective September 7, 2015.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the uplands adjoining the premises, which is owned by Cedar Flat Improvement Association (Association). The right

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granted to Lessee by the Association is limited to use and maintenance of the Lessee's pier and open-sided boathouse with boat hoist.

2. On February 8, 2011, the Commission authorized a 10-year General Lease - Recreational Use to Randolph K. Yackzan and Lynne U. Yackzan, Trustees of the Yackzan Family Revocable Trust dated October 15, 1997; and Unger Enterprises LP, a California Limited Partnership. That lease will expire on September 6, 2020.
3. Staff conducted the rent review called for in the lease. Staff recommends the rent be reduced due to changes in the calculation of the impact area surrounding the pier. In addition, at its January 23, 2014, meeting, the Commission adopted amendments to the regulations, which resulted in changes to the Commission's practice for the calculation of the impact areas surrounding piers. Accordingly, staff recommends the rent be reduced.
4. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5267.1, a General Lease – Recreational Use, effective September 7, 2015, to

CALENDAR ITEM NO. **C23** (CONT'D)

replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

2. Authorize the revision of rent for Lease No. PRC 5267.1 from \$1,126 per year to \$311 per year effective September 7, 2015.

EXHIBIT A

PRC 5267.1

LAND DESCRIPTION

One parcel of submerged land situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL -- PIER

All those lands underlying an existing pier, open sided boat house, and boat hoist lying adjacent to that parcel described in Grant Deed recorded September 7, 2010 as Document Number 2010-0070202-00 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 11/17/2014 by the California State Lands Commission Boundary Unit.



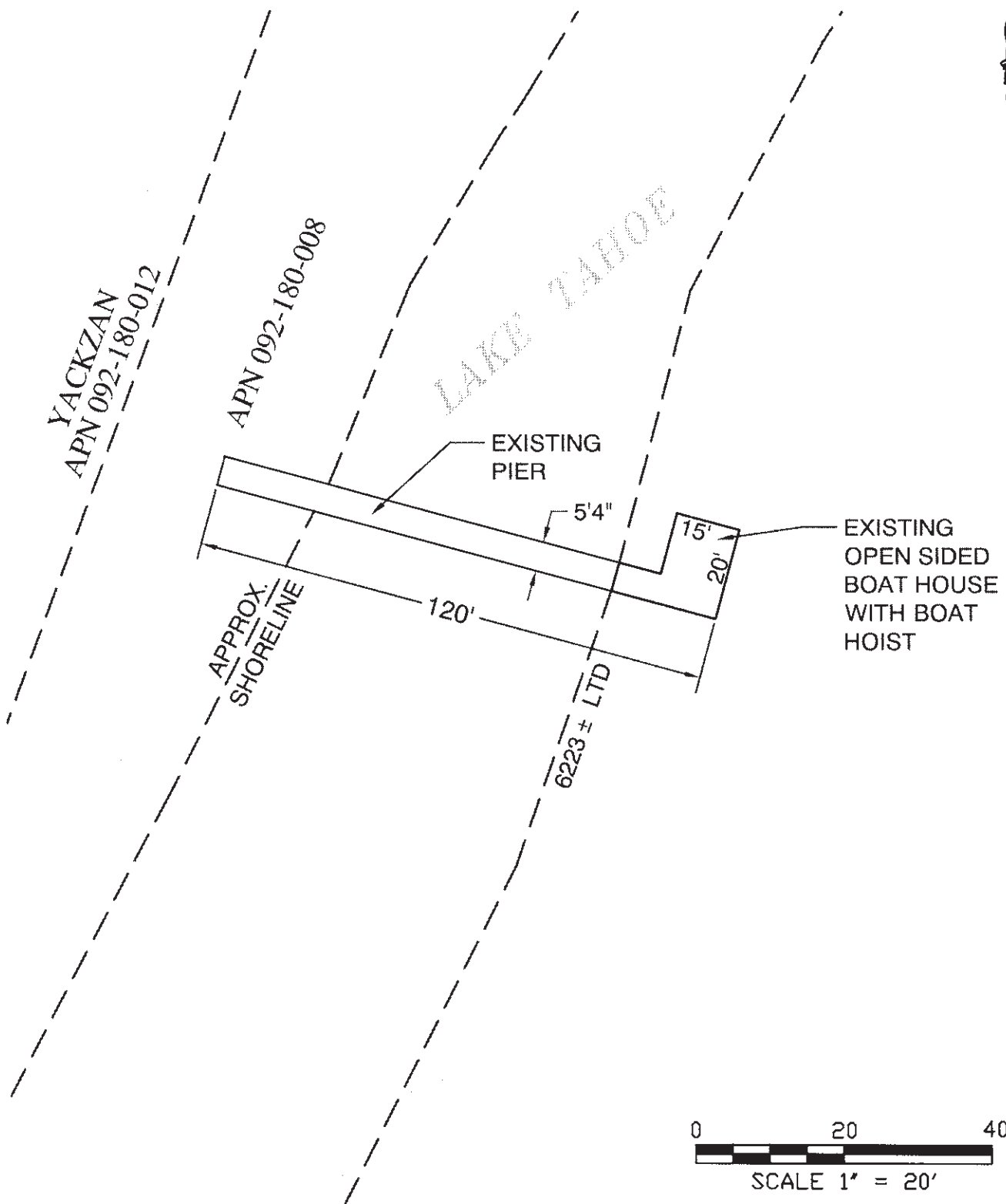


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 5267.1, YACKZAN
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



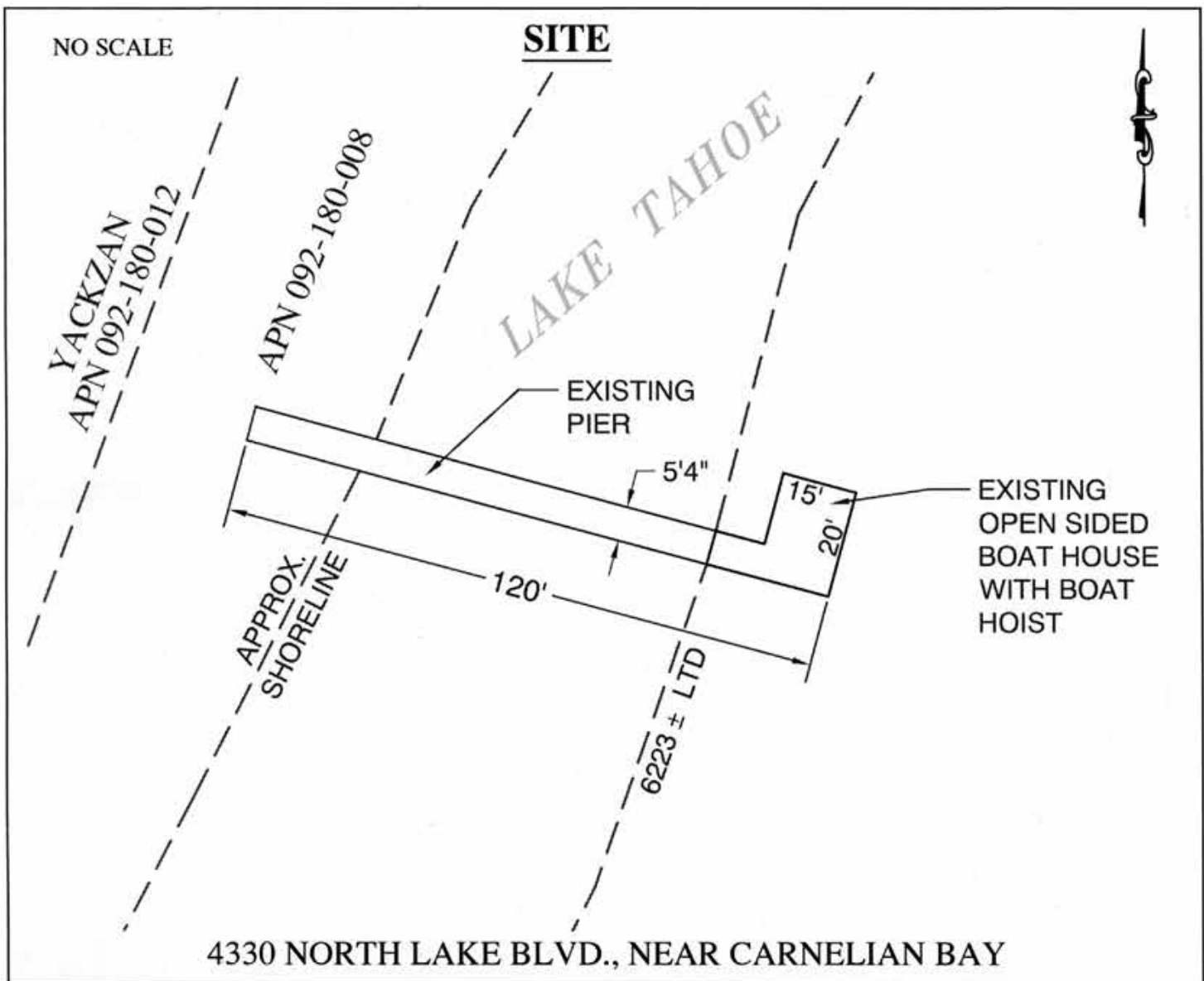
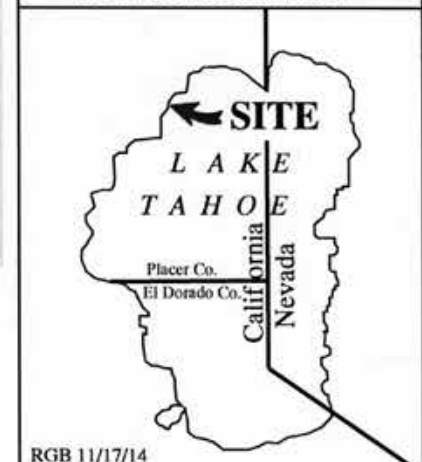


Exhibit B
 PRC 5267.1
 YACKZAN
 APN 092-180-012
 GENERAL LEASE
 RECREATIONAL USE
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.